

Dillon E. Jackson, WSBA #1539
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101-3299
(206) 447-8962
(206) 749-1959
jackd@foster.com
Pro Hac Vice

Irving Potter
Josselson & Potter
9400 SW Bvtn-Hisd Hwy
Beaverton, OR 97005
(503) 228-1455
Fax (503) 228-0171
irving@jprlaw.com

Attorneys for Debtor in Possession
Kartar Singh Khalsa

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re:

KARTAR SINGH KHALSA and
EWTC MANAGEMENT, LLC,
f/k/a Golden Temple Management, LLC,

Debtors.

KARTAR SINGH KHALSA and
EWTC MANAGEMENT, LLC,
f/k/a Golden Temple Management, LLC,

Plaintiffs,

v.

LANE POWELL PC,

Defendant.

Case No. 12-60538-fra11 and
12-60536-fra11

(Jointly Administered)

Adv. Proc No. 13-06040-fra

**DECLARATION OF DILLON
JACKSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PROTECTIVE ORDER TO LIMIT
PLAINTIFF DEPOSITIONS**

DECLARATION OF DILLON JACKSON IN
SUPPORT OF PLAINTIFFS' MOTION FOR A
PROTECTIVE ORDER TO LIMIT PLAINTIFF
DEPOSITIONS - 1

DECLARATION

Dillon Jackson declares:

1. I am a member of the law firm Foster Pepper PLLC, which represents Plaintiffs Kartar Singh Khalsa and EWTC Management, LLC. I am of legal age, have personal knowledge of the facts stated herein, and if asked to testify regarding the same, could and would competently do so.

2. On May 22, 2013, Plaintiffs received Lane Powell PC's Notice Of Deposition Of EWTC Management, LLC Pursuant To FRCP 30(b)(6) (the "Notice") dated May 20, 2013. A true and correct copy of the Notice is attached as **Exhibit A**. The deposition is currently scheduled for June 27, 2013.

3. The Notice lists eight prospective deposition topics. The first of which ("Topic 1") states "The basis and nature of any allegations made against Lane Powell referenced in (1) the Complaint, (2) the Memorandum in Support of Objection to Claim Administrative Expense Professional Fees filed by you on or about February 26, 2013, and (3) the Objection to Claim for Professional Fees Filed By Lane Powell PC filed on or about February 26, 2013." These documents were replaced and superseded by our Statement of Objections to Claim 24 of Lane Powell, PC dated June 6, 2013. Yet the topics identified and other written discovery submitted by Lane Powell improperly seek information about a potential malpractice claim, which is not in the case. Consistent with this Court's rulings the issue of any claim against Lane Powell will not be litigated in this matter.

4. On June 19, 2013, I emailed Lane Powell PC's counsel Peter Hawkes, because I was concerned that deposition questions raised under Topic 1 would touch upon Plaintiffs' malpractice claim against Lane Powell PC, which was previously stricken from these proceedings. A true and correct copy of my email and the ensuing correspondence is attached as **Exhibit B**.

5. As reflected in my correspondence with counsel for Lane Powell PC, we were unable to agree to limit the scope of questioning under Topic 1. We did agree to allow a supplemental deposition date on issues raised by Topic 1 so that the parties may address additional subjects pending the outcome of this motion to limit the scope of the deposition.

DATED this 21st day of June, 2013.

/s/ Dillon E. Jackson

Dillon E. Jackson, WSBA #1539

Pro Hac Vice

Attorneys for Debtor

Kartar Singh Khalsa

EXHIBIT A

Peter C. McKittrick, OSB No. 852816
pmckittrick@ml-llp.com
Justin D. Leonard, OSB No. 033736
jleonard@ml-llp.com
McKITTRICK LEONARD LLP
111 SW Columbia, Suite 1100
Portland, Oregon 97201
Telephone: 971.634.0190
Facsimile: 971.634.0250

Kenneth R. Davis, II, OSB No. 971132
davisk@lanepowell.com
Mary Jo Heston, OSB No. 030438
hestonm@lanepowell.com
Peter D. Hawkes, OSB No. 071986
hawkesp@lanepowell.com
Skyler M. Tanner, OSB No. 101589
tanners@lanepowell.com
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, Oregon 97204-3158
Telephone: 503.778.2100
Facsimile: 503.778.2200

Joseph C. Arellano, OSB No. 801518
arellano@kwar.com
Susan E. Watts, OSB No. 773845
watts@kwar.com
KENNEDY, WATTS, ARELLANO & RICKS LLP
1211 SW Fifth Avenue, Suite 2850
Portland, Oregon 97204-3733
Telephone: 503-228-6191
Facsimile: 503-228-0009

Attorneys for Defendant Lane Powell PC

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

**KARTAR SINGH KHALSA and
EWTC MANAGEMENT, LLC,
f/k/a Golden Temple Management, LLC,**
Debtors.

)
)
) Case Nos. 12-60538-fra11 (Lead Case) and
) 12-60536-fra11
) (Jointly Administered)
)

PAGE 1 OF 2 - AMENDED NOTICE OF DEPOSITION OF EWTC MANAGEMENT, LLC
PURSUANT TO FED. R. CIV. P. 30(B)(6)

(machine, foreign or otherwise) of any kind, computer electronics or electronic data, sound, radio or video signals, telecommunication, telephone, teletype, facsimile, telegram, microfilm, microfiche, photographic film of all types or other media of any kind. The term "communication" also includes, without limitation, all inquiries, discussions, conversations, correspondence, negotiations, agreements, understandings, meetings, notices, requests, responses, demands, complaints, or press, publicity or trade releases, and memoranda to a file.

e. "Concerning" shall mean constituting, evidencing, reflecting, incorporating, effecting, including, or otherwise pertaining or relating, either directly or indirectly, or being in any way logically or factually connected with the subject matter of the inquiry or request. Requests for "documents concerning" any subject matter include documents concerning communications regarding that subject matter.

f. The term "Lane Powell" means the law firm Lane Powell PC.

g. The term "FRBP" means the Federal Rules of Bankruptcy Procedure.

h. The term "LBR" means the Local Bankruptcy Rules of the U.S. Bankruptcy Court for the District of Oregon.

i. The term "person" includes all natural persons, corporations, LLCs, partnerships, personal service corporations, LLPs, non-profit organizations, and any other type of legal entity.

j. "Proceeding" means this proceeding with case number 13-6040-fra.

k. "Complaint" means the complaint filed in the proceeding by EWTC Management, LLC, on or about April 4, 2013, and any amendments thereto.

l. "Objections" means the Statement of Objections to Claim 24 of Lane Powell PC, filed on or about June 7, 2013.

m. "You" and "your" mean EWTC Management, LLC, and its present or former trustees, beneficiaries, employees, agents or anyone acting or purporting to act on its behalf.

PAGE 3 OF 5 - AMENDED NOTICE OF DEPOSITION OF EWTC MANAGEMENT, LLC
PURSUANT TO FED. R. CIV. P. 30(b)(6)

n. "State Court Litigation" means the cases known as *Khalsa v. Khalsa*, Multnomah County Circuit Court Case No. 0909-13281, and *State of Oregon v. Siri Singh Sahib Corp.*, Multnomah County Circuit Court Case No. 1010-14518.

TOPICS

1. The basis and nature of any allegations made against Lane Powell referenced in (1) the Complaint, (2) the Memorandum in Support of Objection to Claim Administrative Expense Professional Fees filed by you on or about February 26, 2013, (3) the Objection to Claim for Professional Fees filed by Lane Powell PC filed on or about February 26, 2013, and (4) the Statement of Objections to Claim 24 of Lane Powell PC, filed on or about June 7, 2013.

2. The mediation and settlement negotiations referenced in paragraph 7.5 of the Complaint, and paragraph 3.5 of the Objections, and the respective roles and responsibilities of Michael Farnell, Irving Potter, Lane Powell, and other attorneys in those efforts, including, but not limited to, the drafting of any settlement related document.

3. The bases for disputing the allowance or payment of the administrative claim of Lane Powell including, but not limited to, the bases for identifying the claim as disputed in the Disclosure Statement.

4. The bases for stating that the prepetition claim of Lane Powell was disputed as set forth in the Disclosure Statement.

5. Identification of person(s) responsible for communicating on your behalf with Lane Powell concerning: (i) its representation of you in the State Court Litigation; (ii) the employment of Lane Powell as Special Counsel in the Bankruptcy; (iii) the status of the Bankruptcy; and (iv) the settlement of the State Court Litigation, including any tax issues related thereto, together with the method and means of such communications.

6. Communications between you and Kartar Singh Khalsa concerning Lane Powell's representation of you and Kartar Singh Khalsa in the State Court Litigation, in the Bankruptcy and in the settlement of State Court Litigation.

PAGE 4 OF 5 - AMENDED NOTICE OF DEPOSITION OF EWTC MANAGEMENT, LLC
PURSUANT TO FED. R. CIV. P. 30(b)(6)

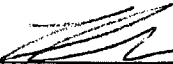
7. The identification of any attorneys' fees to which you do not object.

8. Any communications between the managers, members or employees of EWTC Management, LLC and any of its attorneys referring to or relating to the employment of Lane Powell and work being performed by Lane Powell for which fees are sought in this proceeding.

Said deposition will commence at 9 a.m. on June 26, 2013, at the offices of Lane Powell PC, 601 SW Second Avenue, Suite 2100, Portland, Oregon. Said deposition will be recorded by a certified shorthand reporter and videographer and will continue until completed or adjourned. The deposition will be taken for purposes of discovery and all other purposes permitted by Federal Rule of Civil Procedure. You are invited to attend and cross-examine the witness.

DATED: June 19, 2013

LANE POWELL PC

By 
Kenneth R. Davis, II, OSB No. 971132
Mary Jo Heston, OSB No. 030438
Peter D. Hawkes, OSB No. 071986
Skyler M. Tanner, OSB No. 101589

McKITTRICK LEONARD LLP
Peter C. McKittrick, OSB No. 852816
Justin D. Leonard, OSB No. 033736

KENNEDY, WATTS, ARELLANO & RICKS LLP
Joseph C. Arellano, OSB No. 801518
Susan E. Watts, OSB No. 773845

Attorneys for Defendant Lane Powell PC

PAGE 5 OF 5 - AMENDED NOTICE OF DEPOSITION OF EWTC MANAGEMENT, LLC
PURSUANT TO FED. R. CIV. P. 30(b)(6)

004418.1102/5727351.1


LANE POWELL PC
601 SW SECOND AVENUE, SUITE 2100
PORTLAND, OREGON 97204-3158
503.778.2100 FAX: 503.778.2200

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2013, I caused to be served a copy of the foregoing AMENDED NOTICE OF DEPOSITION OF EWTC MANAGEMENT, LLC PURSUANT TO FED. R. CIV. P. 30(b)(6) on the following person(s) in the manner indicated below at the following address(es):

Dillon E. Jackson, Esq.
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101-3299
Facsimile: 206.749.1959
E-Mail: jackd@foster.com

- ☐ by CM/ECF
- ☒ by Electronic Mail
- ☐ by Facsimile Transmission
- ☒ by First Class Mail
- ☐ by Hand Delivery
- ☐ by Overnight Delivery



Peter D. Hawkes

CERTIFICATE OF SERVICE

EXHIBIT B

Dillon Jackson

From: Dillon Jackson
Sent: Wednesday, June 19, 2013 10:49 AM
To: 'Hawkes, Peter'
Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; 'Irving Potter'; Richard Yugler (ryugler@lbblawyers.com)
Subject: RE: EWTC Depositions

We need your agreement given the limitation of this action as instructed by Judge Alley, that there will be no interrogation or discussion at the depositions concerning any affirmative claim against Lane Powell.

The time frame and subject for interrogation is February 18, 2012 through December 28, 2012. If this is not agreeable please let me know immediately.

In the meantime I am trying to confirm the availability of the deponents. I did ask for time to work on Irv's schedule and ability to attend, I am sorry you saw fit due to your schedule constraints to force this matter.

Also you have failed to properly and fully respond to our discovery and we will need an attorney conference to deal with this.

Dillon

Dillon E. Jackson

Attorney

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Seattle, WA 98101-3299

Phone: 206-447-8962

Mobile: 206-427-5103

Fax: 206-749-1959

jackd@foster.com

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.....

From: Hawkes, Peter [<mailto:HawkesP@Lanepowell.com>]

Sent: Wednesday, June 19, 2013 10:13 AM

To: Dillon Jackson

Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano

Subject: EWTC Depositions

Dillon:

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Peter Hawkes



Shareholder, [Bio](#) | [vCard](#)
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204-3158
Direct: 503.778.2165
Cell: 503.901.4189
www.lanepowell.com

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Please be advised that, if this communication includes federal tax advice, it cannot be used for the purpose of avoiding tax penalties unless you have expressly engaged us to provide written advice in a form that satisfies IRS standards for "covered opinions" or we have informed you that those standards do not apply to this communication.

Dillon Jackson

From: Hawkes, Peter <HawkesP@Lanepowell.com>
Sent: Wednesday, June 19, 2013 12:41 PM
To: Dillon Jackson
Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; _irving@jprlaw.com; Richard Yugler (ryugler@lbblawyers.com)
Subject: RE: EWTC Depositions

Dillon:

We can agree that the scope of the examinations will be the issues raised by the debtors' fee objection.

I am sorry you feel that we have forced this matter, but we have been trying to schedule these depositions with you for a month, and have been trying to nail down these two specific dates since June 7.

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Attorney

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From: Hawkes, Peter [<mailto:HawkesP@Lanepowell.com>]

Sent: Wednesday, June 19, 2013 10:13 AM

To: Dillon Jackson

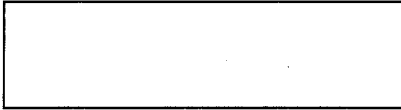
Cc: irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano

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Peter Hawkes



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Dillon Jackson

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Sent: Wednesday, June 19, 2013 1:22 PM
To: 'Hawkes, Peter'
Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; Richard Yugler (ryugler@lbbblawyers.com)
Subject: RE: EWTC Depositions

I am not sure that your response is responsive. This is a fee claim dispute. Any offset related to a malpractice claim is not in this case. I will instruct my clients not to answer questions that deal with subject matter outside of the services for which a claim is made in the cases. The final objection that we filed is the operable document and is limited to fee claim issues. We will not respond to questions about alleged malpractice for services prior to January 2012 or discussions of events from 2007. If and when a malpractice claim is formally filed you will have ample opportunity to have discovery which you can work out with Rick Yugler at that time.

We do not allege a right to affirmative relief against Lane Powell for the services and their conduct from during calendar year 2012.

If this is not the understanding let me know.

In the meantime and you may have a better recollection than I, I have confirmed that Irv Potter is unable to attend due to medical treatment issues that he is not able to change.

I am in the process of confirming the availability of Kartar and Karam as noticed. We should discuss issues with mutual vacation dates for this summer.

Finally I need an additional time to respond to written discovery. You will recall that I willingly give you additional time. I would propose to have the answers and documents to you no later than July 9. This is slightly more than two weeks only because of the July 4th Holiday. Your courtesy in this would be appreciated.

Dillon

Dillon E. Jackson

Attorney

FOSTER PEPPER PLLC

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Seattle, WA 98101-3299

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Mobile: 206-427-5103

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To: Dillon Jackson

Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; _irving@jprlaw.com; Richard Yugler (ryugler@lbblawyers.com)

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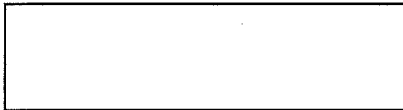
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From: Hawkes, Peter <HawkesP@Lanepowell.com>
Sent: Wednesday, June 19, 2013 2:36 PM
To: Dillon Jackson
Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; Richard Yugler (ryugler@lbblawyers.com)
Subject: RE: EWTC Depositions

Dillon:

Good to talk to you. As we discussed, we are willing to work with you to avoid additional travel for a supplemental deposition if one is needed. And I will check with my crew to see if 7/31 will work for an attorney conference to discuss outstanding discovery issues. Thanks.

From: Dillon Jackson [mailto:JackD@foster.com]
Sent: Wednesday, June 19, 2013 2:13 PM
To: Hawkes, Peter
Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; Richard Yugler (ryugler@lbblawyers.com)
Subject: RE: EWTC Depositions

I would think it would be more efficient to postpone the deps. But I would agree if I can avoid unnecessary trips to Portland. Can we agree that any supplemental would be telephonic. Telephone/Video or Skype?

REDACTED

Dillon E. Jackson

Attorney

FOSTER PEPPER PLLC

1111 Third Avenue, Suite 3400

Seattle, WA 98101-3299

Phone: 206-447-8962

Mobile: 206-427-5103

Fax: 206-749-1959

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From: Hawkes, Peter [mailto:HawkesP@Lanepowell.com]
Sent: Wednesday, June 19, 2013 2:06 PM

To: Dillon Jackson

Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; Richard Yugler (ryugler@lbblawyers.com)

Subject: RE: EWTC Depositions

Dillon, one more thing...since we won't be getting documents until after the depositions, can you agree to make a company representative available sometime after we receive the written discovery to answer any additional questions raised by the documents?

From: Dillon Jackson [<mailto:JackD@foster.com>]

Sent: Wednesday, June 19, 2013 1:50 PM

To: Hawkes, Peter

Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; Richard Yugler (ryugler@lbblawyers.com)

Subject: RE: EWTC Depositions

I am relatively sure it will be Kartar. But I will confirm by COB tomorrow. I will be out of town Friday mostly on airplanes and difficult to reach. We are planning on the schedule you have noticed out.

Thank you for the accommodation on the extension for written discovery..

Dillon

Dillon E. Jackson

Attorney

FOSTER PEPPER PLLC

1111 Third Avenue, Suite 3400

Seattle, WA 98101-3299

Phone: 206-447-8962

Mobile: 206-427-5103

Fax: 206-749-1959

jackd@foster.com

www.foster.com



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From: Hawkes, Peter [<mailto:HawkesP@Lanepowell.com>]

Sent: Wednesday, June 19, 2013 1:44 PM

To: Dillon Jackson

Cc: _irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; Richard Yugler (ryugler@lbblawyers.com)

Subject: RE: EWTC Depositions

The extension is no problem. Can you advise who the 30(b)(6) designee will be?

From: Dillon Jackson [<mailto:JackD@foster.com>]

Sent: Wednesday, June 19, 2013 1:22 PM

To: Hawkes, Peter

Cc: irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; Richard Yugler (ryugler@lbbblawyers.com)

Subject: RE: EWTC Depositions

I am not sure that your response is responsive. This is a fee claim dispute. Any offset related to a malpractice claim is not in this case. I will instruct my clients not to answer questions that deal with subject matter outside of the services for which a claim is made in the cases. The final objection that we filed is the operable document and is limited to fee claim issues. We will not respond to questions about alleged malpractice for services prior to January 2012 or discussions of events from 2007. If and when a malpractice claim is formally filed you will have ample opportunity to have discovery which you can work out with Rick Yugler at that time.

We do not allege a right to affirmative relief against Lane Powell for the services and their conduct from during calendar year 2012.

If this is not the understanding let me know.

In the meantime and you may have a better recollection than I, I have confirmed that Irv Potter is unable to attend due to medical treatment issues that he is not able to change.

I am in the process of confirming the availability of Kartar and Karam as noticed. We should discuss issues with mutual vacation dates for this summer.

Finally I need an additional time to respond to written discovery. You will recall that I willingly give you additional time. I would propose to have the answers and documents to you no later than July 9. This is slightly more than two weeks only because of the July 4th Holiday. Your courtesy in this would be appreciated.

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From: Hawkes, Peter [<mailto:HawkesP@Lanepowell.com>]
Sent: Wednesday, June 19, 2013 12:41 PM
To: Dillon Jackson
Cc: irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; irving@jprlaw.com; Richard Yugler (ryugler@lbblawyers.com)
Subject: RE: EWTC Depositions

Dillon:

We can agree that the scope of the examinations will be the issues raised by the debtors' fee objection.

I am sorry you feel that we have forced this matter, but we have been trying to schedule these depositions with you for a month, and have been trying to nail down these two specific dates since June 7.

From: Dillon Jackson [<mailto:JackD@foster.com>]
Sent: Wednesday, June 19, 2013 10:49 AM
To: Hawkes, Peter
Cc: irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano; irving@jprlaw.com; Richard Yugler (ryugler@lbblawyers.com)
Subject: RE: EWTC Depositions

We need your agreement given the limitation of this action as instructed by Judge Alley, that there will be no interrogation or discussion at the depositions concerning any affirmative claim against Lane Powell.

The time frame and subject for interrogation is February 18, 2012 through December 28, 2012. If this is not agreeable please let me know immediately.

In the meantime I am trying to confirm the availability of the deponents. I did ask for time to work on Irv's schedule and ability to attend, I am sorry you saw fit due to your schedule constraints to force this matter.

Also you have failed to properly and fully respond to our discovery and we will need an attorney conference to deal with this.

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From: Hawkes, Peter [<mailto:HawkesP@Lanepowell.com>]
Sent: Wednesday, June 19, 2013 10:13 AM
To: Dillon Jackson
Cc: irving@jprlaw.com; Davis, Kenneth R.; pmckittrick@ml-llp.com; Joe Arellano
Subject: EWTC Depositions

Dillon:

Attached are notices for the depositions of Kartar, Karam, and EWTCM next week on June 25 and 26. We are noticing these depositions based on your representation that you and at least Karam are available. We have been waiting for almost two weeks to hear from you regarding Kartar and the EWTCM representative's availability, but we cannot wait any longer. Given the scheduling issues on our side, we must do these depositions next week. Please confirm that you and your clients will be here. Thank you.

Peter Hawkes



Shareholder, [Bio](#) | [vCard](#)
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204-3158
Direct: 503.778.2165
Cell: 503.901.4189
www.lanepowell.com

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